

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID RITCHIE,

Defendant.

Case No. 6:15-cr-03025-MDH-1

ORDER

Before the Court is Defendant's Motion to Suppress (Doc. 17). Defendant asks the Court to suppress the contents of a green tote bag discovered on June 25, 2013 following the stop of a motor scooter operated by Defendant. Defendant argues the search of the green tote bag was unconstitutional because the officer seized and searched the bag without permission, without probable cause, and without a search warrant. The Government argues, conversely, that the search and seizure of the bag did not violate Defendant's Fourth Amendment rights because Defendant abandoned the green tote bag when he wrecked the scooter in a public park, fled from police, and left the green tote bag lying on the ground next to the scooter. The Government argues Defendant "objectively relinquished his expectation of privacy in the bag" and thereby forfeited any Fourth Amendment rights he had in relation to the search of the bag.

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, Defendant's motion was referred to the United States Magistrate Judge for preliminary review under 28 U.S.C. § 636(b). The Magistrate Judge reviewed the parties' briefs, held a suppression hearing, and issued a report and recommendation to the undersigned. The report and recommendation finds Defendant

abandoned the green tote bag and recommends that Defendant's motion to suppress be denied because Defendant had no reasonable expectation of privacy in the green tote bag at the time it was seized and searched. Neither party filed objections to the report and recommendation of the Magistrate Judge.

Upon review and consideration, the Court concurs with the report and recommendation of the Magistrate Judge. Accordingly, the report and recommendation of the United States Magistrate Judge (Doc. 27) is hereby **ADOPTED** and Defendant's motion to suppress (Doc. 17) is hereby **DENIED**.

IT IS SO ORDERED:

Date: October 6, 2015

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE